

INVENTOR: Deonarine, Victor I.**U.S. Serial No. 09/683,353**

PTO 1449A substitute, PTO 1449B substitute, and the non-patent reference "Tempil: Temperature Indicators and Industrial Coatings Brochure".

REMARKS

Claims 1-20 are pending in the present application. In the Office Action of December 20, 2002, the Examiner objected to claims 8 and 13 without citing statutory authority, and rejected claims 16 and 17 under 35 U.S.C. §102(b) as being anticipated by Ribi (USP 5,918,981). Claims 1, 3, 5, 6, 9, and 16-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over OMEGAMARKER® Temperature Test Kit in view of Deats (USP 515,075). Claims 10, 11, 14, and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Whitfield et al. (USP 4,473,113) in view of Deats.

Applicant appreciates the Examiner's indication of allowable subject matter in claims 2, 4, 7, 8, 12, and 13.

The Examiner objected to claims 8 and 13 for insufficient antecedent basis and further stated that claim 13 needed further clarification. Applicant has amended claims 1 and 8 to correct an error in the phrase objected to that is believed to overcome this objection. Applicant has amended claim 13 to further define the present invention. Claim 1 was also amended to correct a typographical error in that "of hold" should be "to hold" with regard to the second indicator stick as in the first indicator stick.

The Examiner rejected claims 16 and 17 under §102(b) as being anticipated by Ribi. Applicant disagrees.

Claim 16 calls for a first means for indicating a first temperature and a second means for indicating a second temperature. Applicant would not disagree that the temperature detection

INVENTOR: Deonarine, Victor I.**U.S. Serial No. 09/683,353**

device of Ribi could detect a first and a second temperature. Applicant does not agree that the device of Ribi is a first and a second means for detecting a first and second temperature but rather is a single means of detecting multiple temperatures.

As stated in Ribi: "One can introduce the temperature probe into the meat, allow it to remain in the meat, ... and then remove the device from the meat. Depending on the temperature of the meat, one or more stripes will undergo a temperature transition from blue to red." Col. 9, lns. 25-31. As such, the device of Ribi provides a single means, the temperature probe 10, for indicating several temperatures, 16, 18, 20; Fig. 1. Said in another way, the temperature indicating means of Ribi will indicate the highest temperature that it reaches not a first or a second temperature. This is not a first means for indicating a first temperature and a second means for indicating a second temperature as called for in claim 16.

As such, Applicant believes that which is called for in claim 16 is patentably distinct over Ribi and respectfully requests allowance for claim 16 and those claims dependent therefrom.

The Examiner next rejected claims 1, 3, 5, 6, 9, and 16-20 under §103(a) over OMEGAMARKER® Temperature Test Kit in view of Deats.

However, the OMEGAMARKER® Temperature Test Kit reference does not include any date. In fact, the Examiner specifically stated that the OMEGAMARKER® brochure had "no date" on the form PTO-892. As such, the §103 rejection is not sustainable. Applicant respectfully requests withdrawal of the §103 rejection.

The Examiner next rejected claims 10, 11, 14, and 15 under §103(a) over Whitfield et al. in view of Deats stating that Whitfield et al. discloses a housing element for a temperature indicator stick. Applicant respectfully disagrees.

INVENTOR: De narine, Victor I.**U.S. Serial No. 09/683,353**

Whitfield et al. discloses that "the 'lead' is a short rod of heat conducting material according to the invention." Col. 5, lns. 36-37. Additionally, Whitfield et al. discloses that "in both the pencil and the automatic dispenser form the material is used by rubbing an end of the rod over one of the surfaces to be engaged when an electronic device is mounted on a heat sink." Col. 7, lns. 7-10. "During operation of the apparatus, the mixture **may** become molten. During servicing of the apparatus, when it is cooled and at normal room temperature, the mixture will become a solid." Col. 7, lns. 13-16. As such, the mixture of Whitfield et al. is not a temperature indicator as suggested by the Examiner but is a mixture that **may** change phases during use. As such, the mixture does not indicate a temperature as called for in claim 10. It is noted that claim 10 is directed to "a dual temperature indicator stick" that includes a connector assembly adapted to receive and position two temperature indicator sticks..., a pair of advancement mechanisms configured to extend the two temperature indicator sticks from the connector assembly; and further defines that the pair of advancement mechanisms engages a respective temperature indicator stick upon rotation of a respective advancement mechanism.

As such, Applicant believes that which is called for in claim 10 is patentably distinct over the art of record and respectfully requests allowance for claim 10, and those claims dependent therefrom.

Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-20.

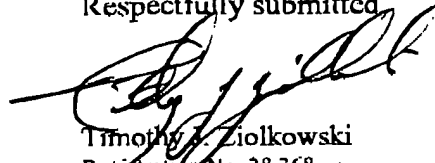
Marked-up versions of the amendments made above may be found on page 7.

INVENTOR: Deonarine, Victor I.

U.S. Serial No. 09/683,353

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted



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INVENTOR: Deonarine, Victor I.**U.S. Serial No. 09/683,353****REVISIONS**

1. (Once Amended) A dual temperature indicator stick assembly comprising:
a first indicator stick housing positioned along a first axis and configured to hold a compound which melts at a first given temperature;
a second indicator stick housing positioned along a second axis and configured to hold a second compound which melts at a second given temperature; and
a connector physically connecting the first and second indicator sticks housings along different axes.
8. (Once Amended) The dual temperature indicator stick of claim 1 wherein the connector is configured to snap fit the first and second indicator sticks housings to the connector.
13. (Once Amended) The dual temperature indicator stick holder of claim 11 wherein the first and second housing elements each has a groove on an outer surface to engage an end of a clamp that surrounds a portion of the circumference of the housing elements and prevents rotation of the first and second housing elements.